

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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| In Re: |) | |
| |) | Bankruptcy Case No: 09-50779-RJK |
| DENNIS E. HECKER, |) | |
| |) | Chapter 7 |
| Debtor. |) | |
| |) | |
| |) | |
| CHRYSLER FINANCIAL |) | Adversary Proceeding No.: 09-05019 |
| SERVICES AMERICAS |) | |
| LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| DENNIS E. HECKER, |) | |
| |) | |
| Defendant |) | |
| |) | |

**NOTICE OF HEARING AND MOTION FOR AN ORDER AUTHORIZING
EXPEDITED RELIEF AND FOR AN ORDER EXTENDING THE TIME
FOR DEFENDANT TO EITHER FILE AN ANSWER TO PLAINTIFF'S
COMPLAINT OR FILE A MOTION UNDER FED. R. BANKR. P. 12**

TO: Plaintiff Chrysler Financial Services Americas, LLC and its counsel, Gray, Plant, Mooty, Mooty & Bennett, P.A., Nicholas Nierengarten and Stephen Grinnell, 500 IDS Center, 80 S. 8th St., Minneapolis, Minnesota 55402 and Mayer Brown LLP, Howard Roin and Stuart Rozen, 71 South Wacker Drive, Chicago, Illinois, 60606.

1. Defendant Dennis Hecker ("Hecker"), by and through his undersigned counsel, moves for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on these motions at 10:00 a.m., on July 30, 2009, in Courtroom 8 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota before the Honorable Robert J. Kressel.

3. The Rules do not provide for the time to file a written response on expedited motions.

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 7007, 7012, 9013 and Local Rule 7007-1 and 9013-2.

5. These motions arise under 11 U.S.C. 157 and Fed. R. Bankr. P. 7007, 7012, 9013 and Local Rule 7007-1 and 9013-2. This motion is filed under Fed. R. Bankr. P. 7007, 7012, 9013 and Local Rule 7007-1 and 9013-2. Defendant requests the relief specified below.

MOTIONS

6. Defendant Denny Hecker moves to extend the time in which Defendant must answer, move or otherwise respond to the Summons and Complaint from August 7, 2009, 30 days after issuance of the summons, to August 21, 2009.

7. Under Local Rule 9006-1 (e), Defendant Denny Hecker moves for an expedited order and relief from the Court to issue the Order requested in paragraph 7 above.

8. These Motions are based on the Declaration of William F. Mohrman,

and all documents filed with the Court. The Court is authorized to grant this relief under Fed. R. Bankr. P. 7012 which expressly provides that Answers to Complaints are due 30 days after issuance of the Summons "except when a different time is prescribed by the Court."

DATED: July 28, 2009

MOHRMAN & KAARDAL, P.A.

s/ William F. Mohrman

William F. Mohrman Bar No. 168816
Erick G. Kaardal, Bar No. 229647
33 South Sixth Street, Suite 4100
Minneapolis, MN 55402
(612) 341-1074

ATTORNEYS FOR DEFENDANT DENNIS E.
HECKER

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| LLC, |) | |
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| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| DENNIS E. HECKER, |) | |
| |) | |
| Defendant |) | |
| |) | |

**DECLARATION OF WILLIAM F. MOHRMAN IN SUPPORT OF
DEFENDANT'S MOTION FOR AN ORDER AUTHORIZING EXPEDITED
RELIEF AND FOR AN ORDER EXTENDING THE TIME FOR
DEFENDANT TO EITHER FILE AN ANSWER TO PLAINTIFF'S
COMPLAINT OR FILE A MOTION UNDER FED. R. BANKR. P. 12 BY
FOURTEEN DAYS**

I, William F. Mohrman, after being first duly sworn, deposes and states as follows:

1. I am an attorney at Mohrman & Kaardal, P.A. and make this Declaration in Support of Defendant Dennis E. Hecker's Motion for Expedited Relief and for an Order Extending the Time in which

Defendant must file an Answer to the Complaint or file a Motion under Fed. R. Bankr. P. 12 primarily as a result of a family vacation I have scheduled from August 5 through August 19, 2009.

2. Plaintiff has filed a complaint against Debtor/Defendant Dennis E. Hecker seeking to have approximately \$90,000,000 of the approximate \$450,000,000 owes Plaintiff declared non-dischargeable under 11 U.S.C. §523. The Summons was issued on July 8, 2009 and, under Fed. R. Bankr. P. 12, the Answer is due on August 7, 2009.
3. Debtor/Defendant Dennis E. Hecker is in process of formally retaining me as his attorney in this matter and I anticipate finalizing this process this week.
4. On behalf of the Debtor/Defendant Dennis E. Hecker, I am moving to extend the time in which to Answer the Complaint for 14 days because I will be departing on an out of town vacation from approximately noon on Wednesday, August 5, 2009 and returning to the office on the morning of Thursday, August 20, 2009. The vacation is an annual trip I have taken with my wife and two children, age 8 and 11, to New Jersey where I grew up. We are traveling by car from Minnesota and will be staying at a house on the New Jersey shore which we rented with family friends from New York who also have children from August 8 to August 15. The rent

payment for the vacation home has been fully paid. Finally, on August 16 and 17, my family and I will be spending two days with former neighbors of mine when I grew up and who our family sees annually when we visit New Jersey.

5. The Summons and Complaint were served on me via mail according to the certificate of service on July 8, 2009 and I believe were received in my office on July 9, 2009. Since the service of the Summons and Complaint, I have been extremely busy, not only on matter for Mr. Hecker, but also on other matters. On July 3, 2009, I appeared in front of Hennepin County District Court Judge Regina Chu on cross summary judgment motions in a state court declaratory judgment action which had been filed in February and on which the parties agreed to file cross summary motions prior to discovery. Judge Chu not only denied the motions at the hearing, she set the matter on for trial starting July 20, 2009 advancing the case on the calendar because it was a declaratory judgment action. I spent much of the weeks of July 6 and 13 in preparation for trial and on July 20 and 21, I tried the case in front of Judge Chu.
6. In addition, I have spent time with Mr. Hecker preparing for his first meeting of creditors which was held on July 15, 2009.
7. As I am preparing this Declaration, this week I have had to prepare and file Motions for Amended Findings and a New Trial in a

complex family law matter and responsive papers on a summary judgment motion which will be heard on Thursday July 30, 2009 at 2:00 in Wright County. Finally, I will be leaving the state on August 2, 2009 to take depositions in Harrisburg, Pennsylvania on August 3, 2009 and not returning until August 4, 2009.

8. In additions to these work responsibilities and the general responsibilities of an attorney, I am also the head coach of Plymouth Wayzata Baseball Association baseball team which involved running practices and coaching the players in a year end tournament which was held this weekend.
9. As a result of this schedule, I contacted Plaintiff's counsel, Stephen Grinnell, on Friday, July 24, 2009, to request a two week extension to Answer, move or otherwise respond to the Complaint. Mr. Grinnell responded by telephone on July 27, 2009 stating that Plaintiff would agree to extend the time to Answer the Complaint only if Defendant Dennis Hecker would agree that Plaintiff could serve written discovery on Mr. Hecker on August 10, 2009 while I am out on vacation. I told Mr. Grinnell that one of the reasons I was asking for an extension to Answer was to not have any concerns that any discovery would be commenced in my absence. Nonetheless, I asked Mr. Grinnell whether I and Mr. Hecker could also receive an extension on answering these written discovery requests beyond the

30 days provided under the Rules for the 10 days time I was out on vacation. Mr. Grinnell said that his client would not agree to such an extension on discovery.

10. Our law firm currently has six attorneys employed with the firm. The principal attorney who will be assisting me is Mr. Erick Kaardal. Mr. Kaardal will also be out of the office from August 4 to August 17 on vacation with his wife and eight children.
11. Finally, neither Mr. Grinnell nor his colleague, Mr. Neirengarten, articulated any reason to me why their client would need to expedite these proceedings or would in any way be prejudiced by a two week extension to Answer the Complaint. Also, it is my understanding that Plaintiff is no longer originating any loans and is in the process of liquidating. Therefore, I do not understand any urgency from a business standpoint for Plaintiff not to stipulate to an extension. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated July 28, 2009

s/William F. Mohrman

William F. Mohrman

**THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In Re:

Dennis E. Hecker,

Debtor.

Bankruptcy Case No.: 09-50779 RJK
Chapter 7 Case

Chrysler Financial Services Americas LLC

Adversary Proceeding No.: 09-05019

Plaintiff,

v.

CERTIFICATE OF SERVICE

Dennis E. Hecker,

Defendant.

I hereby certify that on July 28, 2009, I caused the following documents:

- *Notice of Hearing and Motion for an Order Authorizing Expedited Relief and for an Order Extending the Time for Defendant to Either file an Answer to Plaintiff's Complaint or File a Motion Under Fed. R. Bankr. P. 12;*
- *Declaration of William F. Mohrman in Support of Defendant's Motion; and*
- *Proposed Order on Defendant's Motion.*

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Stephen F Grinnell stephen.grinnell@gpmlaw.com

I further certify that I caused a copy of the foregoing documents and the notice of electronic filing to be mailed by first class mail, postage paid, to the following non-ECF participants:

*Nicholas N. Nierengarten
Gray, Plant, Mooty & Bennett
500 IDS Center, 80 S 8th St
Minneapolis, MN 55402*

Dated: July 28, 2009

s/ William F. Mohrman
William F. Mohrman

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| DENNIS E. HECKER, |) | |
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**ORDER ON DEFENDANT'S MOTION FOR AN ORDER AUTHORIZING
EXPEDITED RELIEF AND FOR AN ORDER EXTENDING THE TIME
FOR DEFENDANT TO EITHER FILE AN ANSWER TO PLAINTIFF'S
COMPLAINT OR FILE A MOTION UNDER FED. R. BANKR. P. 12 BY
FOURTEEN DAYS**

This matter came before the Court for hearing on July 30, 2009 upon
Defendant's Motion For An Order Authorizing Expedited Relief And For An
Order Extending The Time For Defendant To Either File An Answer To Plaintiff's
Complaint Or File A Motion Under Fed. R. Bankr. P. 12 By Fourteen Days.
William F. Mohrman appeared for Defendant. Stephen Grinnell appeared for

Plaintiff. Based on the parties' submissions, as well as the oral arguments of counsel,

IT IS HEREBY ORDERED:

1. Defendant's Motion to submit a motion for an expedited order to extend the time to file a response to the complaint under Fed. R. Bankr. P. 7012 is GRANTED.
2. Defendant's Motion For An Order Extending The Time For Defendant To Either File An Answer To Plaintiff's Complaint Or File A Motion Under Fed. R. Bankr. P. 12 By Fourteen Days is GRANTED. The time in which Defendant must file an Answer to the Complaint or file a Motion under Fed. R. Bankr. P. 7012 is hereby extended from August 7, 2009 to August 21, 2009.

Dated: July 30, 2009

The Honorable Robert J. Kressel
Chief Judge
United States Bankruptcy Court